

Notice of Allowability

Application No.

09/672,450 ✓

Examiner

DANIEL G. MARIAM

Applicant(s)

KAGLE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on 9/30/05 & a telephone interv. dated 12/20/05.
2. ☒ The allowed claim(s) is/are 1,2,4,7-11,13,16-20,23,25 and 27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12/20/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DANIEL MIRIAM
PRIMARY EXAMINER

RESPONSE TO ARGUMENTS, EXAMINER'S AMENDMENT, AND REASONS FOR ALLOWANCE

Response to Arguments

1. Applicants' arguments see pages 4-5 of the remarks, filed September 30, 2005, with respect to the primary reference to Yajima have been fully considered and are persuasive. The 35 USC 103 rejection of claims 1-2, 4-5, 7-11, 13-14, 16-20, and 23-27 has been withdrawn.
2. With respect to the reference to Peterson, applicants' argument is moot in light of applicants' amendment made on December 20, 2005 in a telephone interview (See Examiner's amendment below for details).

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael J. Medley (Reg. No. 57,058) on December 19, 2005.

The application has been amended as follows:

Cancel claims 5, 14, 24, and 26.

Amend claim 1 as follows:

At line 3, after the limitation "segments" insert "that overlap one another" - -

At line 6, delete "and" - -

At line 9, after the limitation "image" insert "; storing image file information, wherein the image file information corresponds to the plurality of image segments for a stored image;

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and updating the image file information that has been affected by the act of performing image processing on any one of the plurality of image segments corresponding to the stored image” - -

Amend claim 10 as follows:

At line 4, after the limitation segments, insert “ that overlap one another” - -

At line 6, delete “and” - -

At line 10, after the limitation “image” insert “; and storing image file information on the storage medium, wherein the image file information corresponds to the plurality of image segments for an image stored on the storage medium; and updating the image file information that has been affected by image processing performed on any one of the plurality of image segments corresponding to the stored image” - -

Amend claim 19 as follows:

At line 3, after the limitation “medium” insert “that stores image file information that corresponds to a plurality of overlapping image segments for a stored image” - -

At line 4, delete “a” - -

At line 8, after the limitation “image” insert “, and updates the image file information that has been affected by the image processing on any one of the plurality of image segments corresponding to the stored image” - -

Amend claim 25 as follows:

At line 1, delete “24” and replace it with “1” - -

Amend claim 27 as follows:

At line 1, delete “26” and replace it with “10” - -

Reasons for Allowance

4. Claims 1-2, 4, 7-11, 13, 16-20, 23, 25 and 27 are allowed.

5. The following is an examiner's statement of reasons for allowance: the closest prior art to Peterson does not teach or fairly suggest, among other things, dividing the captured image into a plurality of image segments that overlap one another, and upon completion of storing respective image segments, stitching together the image segments within the persistent storage medium to reconstruct the captured digital image; storing image file information, wherein the image file information corresponds to the plurality of image segments for a stored image; and updating the image file information that has been affected by the act of performing image processing on any one of the plurality of image segments corresponding to the stored image. It is for these reasons and combination with all of the other elements of the claims that claims 1-2, 4, 7-11, 13, 16-20, 23, 25 and 27 are allowable over the closest prior art of Peterson.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH M. MEHTA can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL G MARIAM
Primary Examiner
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December 21, 2005